

spread upon the journal.

Senator Tyler moved to excuse Secretary Kennedy for next Monday on account of important business.

Adopted.

Senator Altee moved to adjourn to 3 p. m. today.

Withdrawn.

Senator Page moved to adjourn to 10 a. m. Monday.

Withdrawn.

HOUSE BILLS REFERRED.

Substitute House bill Nos. 33, 238, 296, and Senate bill No. 5, entitled An act to create a more efficient road system for the several counties of this state, authorizing the appointment of road superintendents, defining their duties and prescribing penalties for their failure to perform their duties, and further defining the powers and duties of the commissioners' courts in the counties in which the provisions of this act are adopted.

Read first time and referred to committee on Roads and Bridges.

Senator Kearby moved to adjourn to 10 o'clock Monday.

Lost.

House bill No. 590, entitled an act to amend an act entitled "An act to grant a new charter to the city of El Paso, a proved March 2, A. D. 1889."

Taken up and read second time with a favorable committee report.

The bill was passed to a third reading.

Senator Burney moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Kearby,	Seale,
Burney,	Lubbock,	Simkins,
Carter,	Maetze,	Sims,
Crane,	McKinney,	Townsend,
Finch,	Mott,	Tyler,
Frank,	Page,	Weisiger,
Glascock,	Potter,	Whatley,

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—17.

Atlee,	Glascock,	Simkins,
Burney,	Maetze,	Sims,
Carter,	McKinney,	Tyler,
Crane,	Mott,	Weisiger,
Finch,	Potter,	Whatley,
Frank,	Seale,	

NAYS—4.

Kearby,	Page,	Townsend.
Lubbock,		

Senator Burney moved to reconsider the vote passing the bill and asked to have that motion spread upon the journal.

Senator Mott moved to reconsider

the vote passing House bill No. 456 and to lay that motion on the table.

Senator Simkins moved to adjourn, to 10 a. m. Monday.

Adopted.

SIXTY FIFTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, March 30, 1891 }

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT—16.

Atlee,	Glascock,	Potter.
Burney,	Kearby,	Seale,
Carter,	Maetze,	Simkins,
Clemens,	McKinney,	Sims,
Finch,	Page,	Townsend,
Frank,		

ABSENT—13.

Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Garwood,	Mott,	Whatley,
Harrison,	Pope,	Weisiger,
Johnson,		

Senator Page moved that the sergeant-at arms be instructed to telegraph absentees that the Senate was without a quorum and to appear in their seats as soon as possible.

Adopted.

Senator Frank moved a call of the Senate which was ordered.

Pending the call,

Senator Carter moved to adjourn to 10 a. m. tomorrow.

Adopted.

SIXTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 31, 1891. }

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the Chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT—19.

Atlee,	Kearby,	Potter,
Burney,	Kimbrough,	Seale,
Carter,	Lubbock,	Sims,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Weisiger,
Finch,	Page,	Whatley.
Frank,		

ABSENT—9.

Garwood,	Johnson,	Simkins,
Chas. Beck,	Mott,	Townsend,
Harrison,	Page,	Tyler.

Senator Kimbrough moved a call of the Senate, which was ordered.

The following senators answered to their names:

PRESENT—21.

Atlee,	Johnson,	Potter,
Burney,	Kearby,	Seale,
Carter,	Kimbrough,	Simkins,
Clemens,	Lubbock,	Sims,
Crane,	Maetze,	Stephens,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Clemens Senator Garwood was excused for yesterday and indefinitely, on account of sickness.

Pending the reading of the Journal, on motion of Senator Stephens, the further reading of the same was dispensed with.

On motion of Senator McKinney Senator Whatley was excused yesterday on account of important business.

On motion of Senator Finch Senator Weisiger was excused on yesterday on account of sickness.

On motion of Senator Potter Senator Tyler was excused for yesterday on account of important business.

On motion of Senator Frank Senator Kimbrough was excused for yesterday on account of important business.

On motion of Senator Kearby, Senator Lubbock was excused yesterday on account of important business.

On motion of Senator Simkins Senator Crane was excused on yesterday on account of important business.

Senator Sims moved to correct the Journal of last Friday to show that the constitutional rule had been suspended on the final passage of House bill No. 387.

The chair stated that from endorsements on the bill, and from information received from the President pro tem, the Senate's action on the bill had been irregular and at the proper time he would bring it before the Senate for correction.

The following reports were handed in from their respective committees:

COMMITTEE ROOM.

Austin, March 31, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 231, being a bill to be entitled "An act to amend article 23-2, title 40, chapter 1 of the revised statutes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

CARTER, Acting Chairman.

COMMITTEE ROOM.

Austin, March 28, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 109 being "An act amending article 480, title 7, chapter 4, of code of criminal procedure.

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM.

Austin, March 27, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared

Senate bill No. 237, being "An act to amend article 4677 of the Revised Statutes of the State of Texas."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM.

Austin, March 28, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared

Senate bill No. 338, being "An act to provide for the organization of public warehouses and to regulate the warehousing of cotton, grain and all other kind of products and all kind of goods and mercantile commodities, and to define the ownership thereof."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,
Austin, March 30, 1891,

Hon. Geo. C. Pendleton, President of
the Senate:

Sir—Your committee on Roads and
Bridges, to whom was referred

Substitute House bills Nos 33, 238,
296, and Senate bill No. 5 being bills to
create a more efficient road system for
the several counties of this State au-
thorizing the appointment of road
superintendents, defining their duties
and prescribing penalties for their fail-
ure to perform their duties and further
defining the powers and duties of the
commissioners courts in the counties
in which the provisions of this act are
adopted

Have had the same under consider-
ation and beg leave to submit the fol-
lowing report:

1st. Amend the caption by add-
ing "and providing who shall be sub-
ject to road duty."

2nd. Amend the first section by
striking out the words "or four" after
the word "one" and inserting the word
"county" or the words "or one super-
intendent in each commissioner's pre-
cinct thereof."

3d. Amend section 5 by striking out
fifteen thousand inhabitants shall
never exceed one thousand dollars per
annum, and in counties of more than
fifteen thousand inhabitants it shall
not exceed two hundred dollars per
annum, and insert in lieu thereof the
following: "Twenty-two thousand
five hundred inhabitants shall not ex-
ceed six hundred dollars per annum,
and in counties of more than twenty
two thousand five hundred inhabitants
it shall not exceed one thousand
dollars."

4th. Amend section 6 as follows:
Insert after the word "machinery," in
line 27, written bill, the words, "unless
such loss occurred," and after the word
"fault," strike out "or" and insert
"and."

5th. Amend section 9 by adding,
after the word "all" and before the
word "labor" the word "such."

6th. Amend section 11 by adding to
same the following: "But no change
in any road shall be made that length-
ens the same without it is to
the benefit of the traveling pub-
lic or for the the protection of private
property."

7th. Amend section 12 by adding
thereto:

"And he shall work such roads in
such manner as the commissioner may
direct, and such work may at all
times be subject to the general super-
vision of the commissioners court."

8th. Amend section 15 by striking
out the words "but the county shall
not pay to the officers any costs that
have been adjudged against such con-
vict," and insert the following:

"And the commissioners court may
order that the county pay to the of-
ficers of court as much as one half of
the costs due them and adjudged
against such convict and upon such
order such payment shall be made."

9th. Amend by striking out sec-
tions 23 and 24.

10. Amend by striking out section
28, and numbering the other sections
to conform to the amendments herein
submitted.

11. Amend by adding in place of
sections 23 and 24 the following:

Section 23. The county superinten-
dent or the precinct superintendent as
the case may be, shall obtain from the
tax collector of their counties as soon
after the first day of January of each
year as practicable and before the first
day of May thereafter, a full list of the
delinquent poll tax payers of such
counties for the previous year, and the
persons so appearing on said
list, and who are such delinquent
poll tax payers shall be subject to
road duty for the period of three days
during such year, and they shall be
summoned as in other cases to work
the roads in the road district or pre-
cinct in which such person may reside,
and the performance of the road ser-
vice provided for in this section shall
not exonerate the person performing
the same from any other road duty to
which they may be subject; but this
shall not be taken as cumulative. The
persons required to do road duty
under the provisions of this section
shall be subject to prosecution as pro-
vided in this act or other law of this
state, and subject to the same liabili-
ties and punishments provided for
in other cases for failing to
appear or do good work when
summoned so to do as provided by for
this act or other law of this State and
all such laws shall apply to parties re-
quired to work under the provisions
of this section, and when they are con-
victed for so failing to work the roads
shall satisfy the fine and costs as in
other misdemeanor convictions. But
any person summoned to work on the

road under the provisions of this section may satisfy such summons and be relieved from such duty by paying to the county road or precinct superintendent, as the case may be, \$3 one-third of which sum shall go to the free school fund, and the balance to the road and bridge fund.

KIMBROUGH, Chairman.

The following concurrent resolution was offered by Senator Whitley and unanimously adopted:

Resolved by the Senate, the House concurring, that the Hon David B. Culberson is hereby extended a cordial invitation to visit the capital of Texas, and that he is earnestly invited to deliver an address upon the political issues of the day to the members of the Legislature and the general public, at such time as may suit his convenience, the President of the Senate and the Speaker of the House of Representatives be requested to communicate this resolution to the distinguished gentleman, and arrange the time and place of the meeting.

The chair gave notice of signing and signed in presence of the Senate, after their titles had been read,

Substitute House bill No. 553, entitled "An act to change the times for holding the district court in the Second Judicial District of the State of Texas, to repeal all laws and parts of laws in conflict with this act, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act, that have been heretofore issued by said courts, and that may hereafter be issued before this act shall take effect and made returnable to the terms of said courts as now fixed by law, and make the same as valid and binding as if no change had been made."

Also House bill No. 349, entitled "An act to carry into effect the constitutional amendment empowering counties to determine by vote whether 15 cents road tax shall be levied by county commissioners courts."

Also House bill No. 598, "An act to amend the charter of the city of Galveston, by amending sections 3, 5, 14, 17, 20, 23, 28, 29, 41, 70, 78, 79, 95, 127, 128, 155, 156 and 157 thereof, and by adding thereto sections 6a, 18a, 39a, 72a, 73b, 78a, 95a, 100a, 128a, 130b, 132c, 164a, 169a, 174 and 175."

The following messages were received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, }
March 31, 1891. }

Hon. George C. Pendleton, President of the Senate,

Sir—I am directed to inform the Senate that the House has passed Substitute House bills Nos. 69 and 193, "An act to amend title 61 of the revised civil statutes of the state of Texas by adding thereto articles 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3179a, 3179b, 3179c, 3179d, 3179e and 3179f and to repeal all laws and parts of laws in conflict therewith," with attached engrossed rider amendments.

SAM H. DIXON,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
Twenty-Second Legislature, }
AUSTIN, TEXAS, March 30, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed the following bills:

Senate Bill No. 371, "An act to create a more efficient road system for the county of Collin, in the State of Texas, and making the county commissioners ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners court of said county."

House Bill No. 43, "An act to repeal an act entitled 'An act to amend article 711 of the Revised Civil Statutes defining the boundary of Aransas county,' approved March 17, 1887, and to re-enact the former boundary of said county."

Also that the House has concurred in Senate amendments to House Bill No. 456.

SAM H. DIXON,
Chief Clerk House of Representatives.

Senator McKinney withdrew his motion to reconsider Senate bill No. 346, which motion had been spread upon the journal of Saturday last.

Senator Frank moved to correct the Journal of Saturday and of Friday showing that Senate bill No. 346 was taken up on motion of Senator Weisiger on Friday and not Senate bill 336, as in the Journal of Friday, or Senate bill No. 336, as in the Journal of Saturday.

Senator Kimbrough moved to correct Journal of March 19, page 3 to show that in the vote on the final passage of Senate bill No. 185 (amending the Sunday law) he was paired with Senator Townsend; that if the latter were present he would vote "aye" and he (Senator Kimbrough), would vote "no."

BILLS AND RESOLUTIONS.

By Senator Kearby.

A bill to be entitled "An act to regulate telegraph companies in this State and requiring them to promptly receive, transmit and deliver messages and provide remedies for the violation of this act."

Read first time and referred to committee on State Affairs.

By Senator Lubbock:

A bill to be entitled "An act to validate the election of county and district clerk in counties less than 8000 inhabitants and to validate the acts of said clerks and to declare them duly elected for the terms for which they were chosen."

Read first time and referred to Judiciary committee No. 1.

By Senator Potter:

Joint Resolution authorizing the governor of the State of Texas to receive and receipt for all money due the State of Texas by the United States government under act of congress approved March 2, 1891.

Read first time and referred to committee on Finance.

The Chair called the attention of the Senate to the irregularities in their action on last Saturday on the passage of House bill No. 387, entitled "An act to restore to and confer upon the county courts of Marion and McCulloch counties the civil jurisdiction heretofore belonging to said counties under the constitution and general statutes of the state, and to conform the jurisdiction of the district courts of said counties to such change," and placed the bill again before the Senate for their action.

Bill read third time and passed by the following vote:

YEAS—25.

Atlee,
Burney,
Carter,
Clemens,
Crae,
Finch,

Kearby,
Kimbrough,
Lubbock,
Maetze,
McKinney,
Page,

Seale,
Simkins,
Sims,
Stephens,
Townsend,
Weisiger,

Frank,
Johnson,

Pope,
Potter,

Whatley.

NAYS—None.

Senator Carter moved to postpone pending business and take up out of its regular order Substitute House bill Nos. 6, 89 and 91.

Lost.

ORDER OF THE DAY.

Senate bill No 58, entitled a bill to provide for advertising notice of all judicial or other forced sale in some newspaper for three weeks, and to repeal all laws in conflict herewith.

Taken up and read second time with a favorable committee report.

House bill No. 582, entitled "An act to amend chapter 75, of the acts of the regular session of the Twenty first Legislature of the State of Texas, approved April 6, 1889, relating to butchers and slaughterers of cattle."

Read first time and referred to the committee on Stock and Stockraising.

Senator Kearby offered the following amendment to the pending bill (S. B. No. 58):

Amend line 3, section 1, by striking out the word "administration" and insert in lieu thereof the word "administrators."

Adopted.

Senator Kearby offered the following amendment:

Amend by adding the following:

Section 2. The near approach of the close of the present session, and there being no adequate law requiring notice of judicial or other forced sales of real estate creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and be in force from and after its passage, and it is so enacted.

Adopted.

Senator Burney moved to reconsider the vote adopting the first amendment offered by Senator Kearby.

Adopted.

Senator Kearby withdrew the amendment.

The bill was ordered engrossed.

Senator Kearby moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Johnson,	Potter,
Burney,	Kearby,	Seale,
Carter,	Kimbrough,	Simkins,
Clemens,	Lubbock,	Sims,
Crane,	McKinney,	Stephens,
Finch,	Page,	Townsend,
Frank,	Pope,	Weisiger,
		Whatley,

NAYS—None.

Bill read third time.

Senator Stephens offered the following amendment:

Amend page 2, line 2 by adding after the word "made" the words, "or if said land is situated in an unorganized county, then said notice shall be published in the county to which the unorganized county is attached."

Adopted.

Senator Seale offered the following amendment:

Amend by adding to section 1: "Provided if there be no newspaper published in the county where the land is situated publication of sale shall be made as now provided by law."

Adopted.

The bill was passed by the following vote:

YEAS—17.

Atlee,	Frank,	McKinney,
Burney,	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Weisiger,
Finch,	Maese,	

NAYS—4.

Potter,	Townsend,	Whatley,
Sims,		

Senator Page moved to postpone pending business and take up out of its regular order House bill No. 456, and take up the motion to reconsider the vote passing the same and to lay that motion on the table.

The motion to postpone pending business was lost.

Senate bill 213, "entitled 'An act to amend article 257, chapter 3, title xi, of the Revised civil statutes of the State of Texas.'"

Taken up on second reading, and on motion of Senator Atlee the bill was postponed indefinitely.

Substitute Senate bill No. 147, entitled "An act to amend chapter 44 of the revised civil statutes of the state of Texas as amended and approved April 4 1889, entitled an act to amend article 1054 chapter 2 title 15 of the code of criminal procedure as amended by an act of the Twentieth Legislature, approved April 7, 1887, by repealing section 9 thereof and adding thereto sections 9a, and 9b, providing for the payment of officers in felony cases, and for attaching non resident

witnesses to appear before the grand jury."

Taken up and read with the House amendments:

Senator Frank moved to reconsider the vote by which the Senate concurred in the House amendments.

Adopted.

Senator Frank moved that the Senate do not concur in the House amendments, and ask for a free conference committee.

Adopted, and the chair appointed Senators Townsend, Frank, Potter, Finch and Seale as such committee.

By consent Senator Stephens introduced the following bill:

A bill entitled "An act to amend section 1 of an act approved March 23, 1891, entitled 'An act to amend chapter 25 of the acts of A. D. 1883, entitled an act to amend chapter 48 of the acts of A. D. 1887.' 'An act to amend section 46 of an act to encourage stock raising and to protect stock raisers,' approved April 22, 1879 and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 29, 1886, by adding to section 1 section 1a."

Read first time and referred to committee on Stock and Stockraising.

Senator Simkins, by consent, presented the following report:

COMMITTEE ROOM,
Austin, March 29, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Constitutional Amendments, to whom was referred

Joint Resolution to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25 and 28 of the constitution of the State of Texas, relating to the judiciary article, being article No. 5.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMKINS, Chairman.

Senator Pope moved to postpone pending business and take up, out of its regular order

Substitute House bills Nos. 6, 89 and 91, entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as assignments and to prescribe rules for administering the same.

Adopted.

On motion of Senator Pope this bill was made special order for Wednesday, April 1st after morning call and from day to day until disposed of.

Senator Barney moved to postpone

pending business and take up out of its regular order

House bill No. 590, entitled "An act to amend an act entitled 'An act to grant a new charter to the city of El Paso,' approved March 2, A. D. 1889.

Adopted.

Senator Burney moved to reconsider the vote passing the bill.

Adopted.

The bill passed by the following vote:

YEAS—21.

Atlee,	Johnson,	Seale.
Burney,	Kimbrough,	Simkins,
Carter,	Maetze,	Sims.
Clemens,	McKinney.	Stephens.
Crane,	Page,	Townsend.
Finch,	Pope,	Weisiger.
Frank,	Potter.	Whatley.

NAYS—1.

Kearby.

Senator Clemens moved to postpone pending business and take up out of its regular order House bill No. 77, entitled "An act to facilitate the disposition of certain criminal cases in county courts."

Adopted.

Bill read second time with a favorable committee report.

By consent the following bills were introduced:

By Senator Frank:

A bill to be entitled "An act concerning contracts for the conditional sale or lease of railroad equipment and rolling stock, and providing for the record thereof."

Read first time and referred to committee on Internal Improvements.

By Senator Potter:

A bill to be entitled "An act to authorize cities and towns to invest their sinking fund in interest paying securities, and providing for the manner of such investment."

Read first time and referred to committee on Incorporated Cities and Towns.

The chair gave notice of signing and signed in the presence of the Senate

House bill No. 598, entitled "An act to amend the charter of the city of Galveston by amending sections 3, 5, 14, 17, 20, 23, 28, 29, 41, 70, 78, 79, 95, 127, 128, 155, 156, 157 thereof, and by adding thereto sections 6a, 18a, 39a, 72a, 73b, 78a, 95a, 100a, 123a, 130a, 132c, 164a, 169a, 174 and 175."

(Senator Kimbrough in the chair).

Senator Frank offered the following amendment to the pending bill:

Amend by striking out in lines 1 and 2, page 2, section 1, the following: "either with or without evidence."

Adopted.

Senator Sims offered the following amendment:

Amend by inserting in section 1, page 2, line 3, after the word "term," as follows: and the judgment shall be duly entered of record in the minutes of the court.

Adopted.

The bill was ordered to a third reading.

Senator Clemens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Kimbrough,	Seale,
Burney,	Lubbock,	Simkins,
Carter,	Maetze,	Sims,
Clemens,	McKinney,	Stephens,
Crane,	Page,	Townsend,
Finch,	Pope,	Weisiger.
Frank,	Potter,	Whatley.
Johnson.		

NAYS—1.

Kearby.

Bill read third time and passed by the following vote:

YEAS—18.

Atlee,	Kimbrough,	Simkins,
Burney,	Maetze,	Sims,
Carter,	McKinney,	Stephens,
Clemens,	Page,	Townsend,
Crane,	Pope,	Weisiger,
Finch,	Potter,	Whatley.

NAYS—5.

Frank,	Kearby,	Seale.
Johnson,	Lubbock,	

Senator Crane moved to postpone pending business and take up out of its regular order, Senate bill No. 192, entitled "An act to create and provide for the organization of the county of Sealy."

Adopted.

On motion of Senator Crane the bill was made special order for Thursday after morning call and from day to day until disposed of.

Senator Page moved to postpone pending business and take up out of its regular order Senate Bill No. 373, entitled "An act to provide for the election of the commissioner of agriculture, insurance, statistics and history," at the general election in 1892 and at every general election thereafter.

Adopted, and bill read second time with a favorable committee report.

Senator Page offered the following amendment:

Strike out section 2 and insert the following:

"Section 2. Nothing herein contained shall be construed as in any wise repealing or affecting the provisions of an act entitled 'An act to create

a bureau of agriculture for the State of Texas, and to add to it the department of insurance, statistics and history, to properly designate said department and its head, and to prescribe the duties belonging to it relating to agriculture," passed by the regular session of the Twentieth Legislature, and approved April 1, 1887, except so much thereof as authorizes the appointment instead of the election of the head of the department."

Adopted.

Senator Crane offered the following amendment:

"Amend by striking out the preamble."

Adopted by the following vote:

YEAS—14.

Atlee,	Finch,	Seale,
Burney,	Frank,	Simkins,
Carter,	Kimbrough,	Weisiger,
Clemens,	Maetze,	Whatley,
Crane,	McKinney,	

NAYS—9.

Johnson,	Page,	Sims,
Kearby,	Pope,	Stephens,
Lubbock,	Potter,	Townsend,

The bill was ordered engrossed by the following vote:

YEAS—20.

Carter,	Kimbrough,	Seale,
Clemens,	Lubbock,	Sims,
Crane,	Maetze,	Stephens,
Finch,	McKinney,	Townsend,
Frank,	Page,	Weisiger,
Johnson,	Pope,	Whatley,
Kearby,	Potter,	

NAYS—3.

Atlee,	Burney,	Simkins,
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Senator Page moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Kearby,	Seale,
Burney,	Kimbrough,	Simkins,
Carter,	Lubbock,	Sims,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley,
Johnson,	Potter,	

NAYS—NONE.

Bill read third time and passed by the following vote:

YEAS—19.

Carter,	Kimbrough,	Potter,
Clemens,	Lubbock,	Seale,
Crane,	Maetze,	Sims,
Finch,	McKinney,	Stephens,
Frank,	Page,	Townsend,
Johnson,	Pope,	Whatley,
Kearby,		

NAYS—4.

Atlee,	Simkins,	Weisiger,
Burney,		

Senator Potter moved to postpone pending business and take up out of its regular order Senate bill No. 367, entitled "An act to amend chapter 2,

title 11 of the revised civil statutes of the state of Texas relating to county attorneys by adding thereto article 248a."

Adopted.

And bill read second time with a favorable committee report.

Senator Potter offered the following amendment:

Amend section 2, line 17, printed bill by striking out the word "substitutes" and insert "assistants."

Adopted.

Senator Potter offered the following amendment:

Amend by striking out 240a wherever it occurs in the bill and insert 240a.

Adopted.

The bill was ordered engrossed.

Senator Potter moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Kearby,	Seale,
Burney,	Kimbrough,	Simkins,
Carter,	Lubbock,	Sims,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley,
Johnson,	Potter,	

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Atlee,	Kearby,	Potter,
Burney,	Kimbrough,	Seale,
Carter,	Lubbock,	Simkins,
Clemens,	Maetze,	Sims,
Crane,	McKinney,	Stephens,
Finch,	Page,	Whatley,
Frank,	Pope,	Weisiger,
Johnson,		

NAYS—1.

Townsend.

(The President in the chair.)

Senator Lubbock moved to postpone pending business and take up out of its regular order Substitute House bill No. 112, entitled "An act to amend article 541a of the revised civil statutes of the State of Texas, and to validate incorporations of towns and villages heretofore made under certain conditions."

Adopted.

Bill read second time with a favorable committee report.

Senator Page offered the following amendment:

Amend by striking out all of section 1 after the word "to" in line 12.

Adopted by the following vote:

YEAS—14.

Burney,	Maetze,	Stephens,
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Clemens,
Crane,
Finch,
Kearby.

McKinney,
Page,
Potter,
Sims.

Townsend,
Weisiger,
Whatley.

NAYS—7.

Atlee,
Frank,
Johnson,

Kimbrough,
Lubbock.

Seale,
Simkins,

Senator Potter moved to reconsider the vote adopting the amendment.

Adopted, and the amendment was reconsidered.

The chair gave notice of signing and signed in presence of the Senate,

Senate bill No. 339, entitled "An act to amend the charter of the city of Houston."

Also Senate bill No. 183, entitled "An act to amend sections 1, 5 and 15, of chapter 55, of the acts of 1889, in reference to the commission of appeals, and sections 6, 9, 13 and 14, of chapter 95, entitled an act to create a commission of arbitration and award and define the powers and duties thereof, and to make an appropriation to pay the salaries of judges thereof."

Senator Stephens offered the following substitute for the amendment of Senator Page to the pending bill:

Amend line 20, page 2, section 1, by adding, after the word "village" at the end of the section, the following: "Provided that nothing herein contained shall validate any illegal act done by any town or city in this state unless said town or city was incorporated for school purposes only."

Withdrawn.

Senator Page withdrew his amendment.

Senator Page offered the following amendment:

Amend line 19, section 1, by striking out "three" and insert "two."

Adopted.

The bill was passed to a third reading.

Senator Kimbrough moved that the constitutional rule requiring a bill to be read on three several days be suspended and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,
Burney,
Carter,
Clemens,
Crane,
Finch,
Frank,
Johnson,

Kimbrough,
Lubbock,
Maetze,
McKinney,
Page,
Pope,
Potter,

Seale,
Simkins,
Sims,
Stephens,
Townsend,
Weisiger,
Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—15.

Atlee,
Carter,
Crane,

Lubbock,
Maetze,
McKinney,

Potter,
Seale,
Simkins,

Johnson,
Kimbrough,

Page,
Pope,

Stephens,
Weisiger.

NAYS—8.

Burney,
Clemens,
Finch,

Frank,
Kearby,
Sims,

Townsend,
Whatley.

The Chair had read the following letter:

STATE OF ILLINOIS,
HOUSE OF REPRESENTATIVES,
SPRINGFIELD, March 29, 1891.

Hon. George C. Pendleton, President of the Texas Senate, Austin, Tex.:

Honored Sir—Of the many expressions of approval of my action in voting for General Palmer for United States senator, none are more highly appreciated than the one sent by you and your honored associates. Please accept my heartiest thanks for your thoughtful commendation.

I enclose you a photograph of myself and would be pleased to receive one of yours in return and one of any of the members or ALL would be preferred. I remain,

Yours respectfully,
H. H. MOORE.

House bills referred:

House bill No. 43, a bill to be entitled "An act to repeal an act entitled 'An act to amend article 711 of the revised civil statutes defining the boundary of Aransas county,'" approved March 17, 1887, and to reenact the former boundary of said county."

Read first time and referred to committee on Counties and County Boundaries.

Also substitute House bills Nos. 69 and 195, entitled "An act to amend title 61 of the revised civil statutes of the state of Texas, by adding thereto articles 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3179a, 3179b, 3179c, 3179d, 3179e and 3179f and to repeal all laws and parts of laws in conflict therewith."

Read first time and referred to Judiciary committee No. 1.

Senator Atlee moved to postpone pending business and take up, out of its regular order

Senate bill No. 30, entitled "An act to amend articles 1705 and 1715 of the revised statutes of Texas."

Adopted, and bill read second time with a favorable committee report.

Senator Atlee offered the following amendment.

Section 3. "The near approach of the close of the session creates an imperative public necessity and an emergency exists wherefore the constitutional rule requiring bills to be read on three several days be suspended and the act

should take effect and be in force from and after its passage, and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Atlee moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Kearby,	Seale,
Burney,	Kimbrough,	Simpkins,
Carter,	Lubbock,	Sims,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Weisiger,
Finch,	Page,	Whatley,
Frank,	Pope,	
Johnson,	Potter,	

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee	Kearby,	Potter,
Burney,	Kimbrough,	Seale,
Clemens,	Lubbock,	Simkins,
Crane,	Maetze,	Sims,
Finch,	McKinney,	Stephens,
Frank,	Page,	Weisiger,
Johnson,	Pope,	Whatley,

NAYS—1.

Carter,

Senator Weisiger moved to postpone pending business and take up out of its regular order

Senate bill No. 351, entitled "An act to provide for the punishment of persons furnishing, giving or using any false pedigree or false certificate of sale."

Adopted.

And bill read second time with a favorable committee report.

The bill was ordered engrossed

Senator Weisiger moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Kearby,	Potter,
Burney,	Kimbrough,	Seale,
Carter,	Lubbock,	Simkins,

Clemens,
Crane,
Finch,
Frank,
Johnson,

Maetze,
McKinney,
Page,
Pope,

Sims,
Stephens,
Weisiger,
Whatley.

NAYS—None.

The bill was read a third time and passed by the following vote:

YEAS—22.

Atlee,	Kearby,	Potter,
Burney,	Kimbrough,	Seale,
Carter,	Lubbock,	Simkins,
Clemens,	Maetze,	Sims,
Crane,	McKinney,	Stephens,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley,
Johnson,		

NAYS—None.

Senator Clemens moved to adjourn to 10 a. m. tomorrow.

Lost.

Senator Frank moved to postpone pending business and take up out of its regular order

Senate bill No. 295, entitled "An act authorizing the sale and conveyance of the Missouri, Kansas and Texas Railway company's lines of railroad and properties within this state and certain ~~lines of~~ railroad heretofore operated by ~~the~~ the property of the Missouri, Kansas and Texas Railway company or as a part of the system of roads within the state known as the Missouri, Kansas and Texas Railway, and to provide for and authorize the sale, transfer and conveyance of said line of railroad to and the purchase and operation thereof by a single corporation, company or association of persons, to be incorporated under the laws of this State, and to settle and dispose of certain pending suits brought by the state of Texas against said Missouri, Kansas and Texas Railway company, wherein the powers, privileges and franchises granted it within the state are sought to be forfeited, for the purpose of acting on the House amendments to the same.

Adopted.

Senator Frank moved that the Senate concur in all the House amendments except one.

The amendments concurred in are as follows:

Amend line 19, page 3, by inserting after the word "that" the following:

"The confirmation and validation of such sales shall not be operative unless."

Amend by adding after the word "damages" in line 6, page 4, the words "or rights of way."

Amend page 4, line 12, by inserting after the word "mentioned" the following:

"And for all debts, judgments, suits and all claims for damages against the re-

ceivers of said Missouri, Kansas and Texas Railway company to the same extent that said property would be liable therefor if the property remained in the possession and control of said Missouri, Kansas and Texas Railway company."

Amend page 4, line 17, by inserting after the word "thereto" the following:

"But the property of the new company in Texas shall not as between the vendor company and the new corporation be liable for more than its proportional part of such debts and the incumbrances ascertained upon a basis of mileage in this State as compared with the mileage of the whole system."

Amend page 4, line 25, by striking out the words "vendor company, its trustees or assigns," and insert in lieu thereof the following:

"Trustee or trustees of the mortgage bondholders, their successors or assigns in trust of the holders for the stocks and bonds of the Missouri, Kansas and Texas Railway company and their assigns."

Amend page 6, line 29, by inserting after the word "and" the following:

"in compliance with this act."

Adopted.

Senator Frank moved that the Senate do not concur in the following amendment, and ask the House to recede.

Amend page 4, line 4, after the word "thereof," and shall also file with the comptroller of public accounts a relinquishment, under the seal of the company and executed by its proper officers, surrendering all claims of right to operate or own a road in the state of Texas by virtue of any act of incorporation under the laws of any other government.

Adopted.

Senator Frank moved to postpone pending business and take up out of its regular order Senate bill No. 300, entitled "An act to provide for the incorporation of railway companies for the purpose of acquiring, owning, maintaining and operating any line or lines of railway within this State authorized by law to be sold, and to empower such companies when so organized to purchase and extend."

Adopted.

Senator Frank moved that the Senate concur in all the House amendments.

The amendments are as follows:

Amend by making section 2 of bill sec-

tion 3, and insert following as section 2 of the bill:

Section 2. Every railroad company organized under the preceding section of this act shall take the property so purchased subject to all incumbrances, judgments, claims, suits, claims for damages and for right of way, against the old company, and subject to all debts and claims for damages accruing against any receiver which may have been appointed for the old company, to the same extent that such property would have been liable in the hands of the railroad company from which it was purchased, and such new company may be made a party to every suit pending against the company from which it purchased, or which may be pending against any receiver of such company, to enforce any right against such new company, and the new company may be sued to enforce any such rights, without joining the old company or their receiver, and in case any judgment has been rendered against the company from which the purchase is made or against a receiver for such last named company and for which the property is liable, execution may be issued on such judgment against such property in the possession of the new company without any suit therefor. When any corporation shall be formed under the provisions of the first section of this act, service of process may be had upon any agent of such corporation in the county where suit may be pending. Such service shall bind each and every railroad operated or owned under such charter in the same manner as if it were one railroad.

Adopted.

Amend section 1 by inserting after the word "State," in line 2, page 2, of the printed bill the following:

"In the formation of such corporation the requirements of article 4100, and so much of article 4103 of the revised statutes as relates to the affidavit therein provided for, may be dispensed with."

The amendments were concurred in.

Senator Kearby moved to postpone pending business, take up out of its regular order

Senate joint resolution No. 14, and make it special order for tomorrow after morning call, and from day to day until disposed of.

Adopted.

On motion of Senator Simkins the Senate adjourned to 10 a. m. tomorrow.